

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION

Case No. 1:14-cv-1748

MDL No. 2545

Hon. Matthew F. Kennelly

THIS DOCUMENT RELATES TO ALL
CASES

CASE MANAGEMENT ORDER NO. 101

(Timeline for Pre-Trial Materials and Conferences for Existing Bellwether Cases)

The Court sets submit the following schedule of dates and deadlines to apply to the existing bellwether trial cases. For convenient reference, the following summary chart is provided. The Court has eliminated the column for the April 2018 Schleck trial due to the stay of Auxilium/Endo cases and has changed the column for the September 2018 Endo trial to "Endo / TBD," as another case may be substituted there if the Auxilium/Endo settlement is completed.

	Myers	Rowley	Actavis	Endo / TBD
Pretrial Order Exchange	4/3/18	5/2/18	7/11/18	8/6/18
Deposition Designation Meet and Confer	4/9/18	5/14/18	7/11/18	8/6/18
Motions in Limine	4/12/18	5/7/18	7/9/18	8/10/18
Pretrial Order Responses	4/10/18	5/9/18	7/18/18	8/13/18
Deposition Designation Exchange	4/5/18	5/9/18	7/18/18	8/13/18
Motions in Limine Oppositions	4/19/18	5/14/18	7/16/18	8/17/18
Final Pretrial Order	4/19/18	5/16/18	7/25/18	8/20/18
Deposition Designations Due to Court	4/20/18	5/23/18	8/1/18	8/27/18
Trial Begins	5/7/18	6/4/18	8/6/18	9/10/18

I. Arthur Myers v. AbbVie Inc., et al., 15-cv-1085

Trial in the *Myers* case is scheduled to begin on May 7, 2018. The following pretrial schedule applies to the *Myers* case:

1. Motions *in limine* are to be filed by April 12, 2018.
2. Oppositions to motions *in limine* are to be filed by April 19, 2018.
3. The final Pretrial Order, including witness lists, exhibit lists with objections, proposed jury instructions and *voir dire* questions are to be filed by April 19, 2018.
 - a. The parties are to exchange proposals for the Pretrial Order, witness lists, exhibit lists (copies of exhibits need not be exchanged, but upon request any un-Bates numbered and not previously provided exhibit will be produced within 2 days), proposed jury instructions and *voir dire* questions no later than April 3, 2018.
 - b. The parties are to respond to the other sides' proposal for the Pretrial Order, with objections to the other party's exhibit list, and meet and confer regarding proposed jury instructions and *voir dire* question no later than April 10, 2018.
4. Deposition designations and objections/responses to objections are to be filed with the Court no later than April 20, 2018.
 - a. Parties meet and confer regarding deposition designations to attempt to avoid overlapping affirmative designations by April 9, 2018.
 - b. Each parties' deposition designations are to be served on the opposing party no later than April 5, 2018.
 - c. Objections to deposition designations and counter-designations, if any, are to be served on the opposing party within 7 days of when the designations are received.
 - d. Responses to objections and objections to counter-designations are to be served on the opposing party within 3 days of when the counter-designations are received.

5. The final pretrial conference is set for May 2, 2018 at 2:00 pm. (The Court does not have availability during the requested week of April 23, 2018.)

6. Demonstrative exhibits to be used in openings will be provided by 9:00 am CT on May 4, 2018. By 3:00 pm CT that same day, the parties will notify the Court of any objections to the demonstratives, including a copy of any demonstrative challenged. Document call outs need not be exchanged, as long as the title is neutral.

II. Robert Rowley v. AbbVie Inc. et al., 15-cv-2760

Trial in the *Rowley* case is scheduled to begin on June 4, 2018. The following pretrial schedule applies to the *Rowley* case:

1. Motions *in limine* are to be filed by May 7, 2018.
2. Oppositions to motions *in limine* are to be filed by May 14, 2018.
3. The final Pretrial Order, including witness lists, exhibit lists with objections, proposed jury instructions and *voir dire* questions are to be filed by May 16, 2018.
 - a. The parties are to exchange proposals for the Pretrial Order, witness lists, exhibit lists (copies of exhibits need not be exchanged, but upon request any un-Bates numbered and not previously provided exhibit will be produced within 2 days), proposed jury instructions and *voir dire* questions no later than May 2, 2018.
 - b. The parties are to respond to the other sides' proposal for the Pretrial Order, with objections to the other party's exhibit list, and meet and confer regarding proposed jury instructions and *voir dire* question no later than May 9, 2018.
4. Deposition designations and objections/responses are to be filed with the Court no later than May 23, 2018.
 - a. Each parties' deposition designations are to be served on the opposing party no later than May 9, 2018.

- b. Parties meet and confer regarding deposition designations to attempt to avoid overlapping affirmative designations by May 14, 2018.
- c. Objections to deposition designations and counter-designations, if any, are to be served on the opposing party within 7 days of when the designations are received.
- d. Responses to objections and objections to counter-designations are to be served on the opposing party within 3 days of when the counter-designations are received.

- 5. The final pretrial conference is set for May 30, 2018 at 3:30 pm.
- 6. Demonstrative exhibits to be used in openings will be provided by 9:00 am CT on June 1, 2018. By 3:00 pm CT that same day, the parties will notify the Court of any objections to the demonstratives, including a copy of any demonstrative challenged. Document call outs need not be exchanged, as long as the title is neutral.

III. Actavis Trial: August 6, 2018

The Actavis Bellwether Trial is scheduled to begin on August 6, 2018. The following pretrial schedule applies to the Actavis Bellwether Trial case:

- 1. Motions *in limine* are to be filed by July 9, 2018.
- 2. Oppositions to motions *in limine* are to be filed by July 16, 2018.
- 3. The final Pretrial Order, including witness lists, exhibit lists with objections, proposed jury instructions and *voir dire* questions are to be filed by July 25, 2018.
 - a. The parties are to exchange proposals for the Pretrial Order, witness lists, exhibit lists (copies of exhibits need not be exchanged, but upon request any un-Bates numbered and not previously provided exhibit will be produced within 2 days), proposed jury instructions and *voir dire* questions no later than July 11, 2018.
 - b. Each party is to respond to the opposing party's proposal for the Pretrial

Order, with objections to the opposing party's exhibit list, and meet and confer regarding proposed jury instructions and *voir dire* questions no later than July 18, 2018.

4. Deposition designations and objections/responses to objections are to be filed with the Court no later than August 1, 2018.
 - a. Parties meet and confer regarding deposition designations to attempt to avoid overlapping affirmative designations by July 11, 2018.
 - b. Each party's deposition designations are to be served on the opposing party no later than July 18, 2018.
 - c. Objections to deposition designations and counter-designations, if any, are to be served on the opposing party within 7 days of the date when the designations are received.
 - c. Responses to objections and objections to counter-designations are to be served on the opposing party within 3 days of the date when the counter-designations are received.
5. The final pretrial conference is set for August 2, 2018 at 3:30 pm.
6. Demonstrative exhibits to be used in openings will be provided by 9:00 am CT on August 3, 2018. By 3:00 pm CT that same day, the parties will notify the Court of any objections to the demonstratives, including a copy of any demonstrative challenged. Document call outs need not be exchanged, as long as the title is neutral.

IV. Endo / TBD Trial: September 10, 2018

Trial in the first Endo bellwether case, or another case to be substituted by the Court, is scheduled to begin on September 10, 2018. The following pretrial schedule applies to the first Endo bellwether case:

1. Motions *in limine* are to be filed by August 10, 2018.
2. Oppositions to motions *in limine* are to be filed by August 17, 2018.
3. The final Pretrial Order, exhibit lists with objections, proposed jury instructions and *voir dire* questions are to be filed by August 20, 2018.
 - a. The parties are to exchange proposals for the Pretrial Order, exhibit lists, proposed jury instructions and *voir dire* questions no later than August 6, 2018.
 - b. The parties are to respond to the other sides' proposal for the Pretrial Order, with objections to the other party's exhibit list, and meet and confer regarding proposed jury instructions and *voir dire* questions no later than August 13, 2018.
4. Deposition designations and objections/responses to objections are to be filed with the Court no later than August 27, 2018.
 - a. Parties meet and confer regarding deposition designations to attempt to avoid overlapping affirmative designations August 6, 2018
 - b. Each parties' deposition designations are to be served on the opposing party no later than August 13, 2018.
 - c. Objections to deposition designations and counter-designations, if any, are to be served on the opposing party within 7 days of when the designations are received.

d. Responses to Objections and Objections to counter-designations are to be served on the opposing party within 3 days of when the counter-designations are received.

IT IS SO ORDERED.

Date: March 11, 2018

s/ Matthew F. Kennelly
MATTHEW F. KENNELLY
United States District Judge